

Application No. 09/526,628
Amendment "E" dated August 15, 2005
Reply to Office Action mailed July 1, 2005

REMARKS

The latest Office Action, mailed January 25, 2005, considered and rejected claims 23-28, 40-45, 51 and 53-83. Claims 23-26, 40-43 and 51 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ko (U.S. Patent No. 6,486,925). Claims 57-58 were rejected under 35 U.S.C. § 103 in view of Ko and ISO/IEC 1-38. Claims 59-65, 68 and 70-74 were rejected under 35 U.S.C. § 103 in view of Ko and Wugofski (U.S. Patent No. 6,003,041). Claims 66-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko, Ugofski and DeFreese (U.S. Patent No. 6,493,876).¹

By this paper, claims 23, 40, 59 and 71 have been amended² claim 68 has been cancelled, and new claims 84-85 have been added, such that claims 23-26, 40-43, 53-65, 70-74 and 84-86 remain pending, of which claims 23, 40, 59 and 71 are the only independent claims at issue.

The first two independent claims 23 and 40 disclose a method and corresponding computer program product for efficiently tuning to different channels, including digital channels. As recited, these claims include storing tuning information (e.g., channel identifiers) in service records. The recited embodiments also include extracting additional tuning information from one or more digital data streams that is necessary for subsequent tuning to the one or more corresponding digital channels. This additional tuning information is also stored and used to subsequently tune to the digital channels and in such a way that it does not have to be re-extracted. However, if the tuning information is outdated, it will make tuning unsuccessful until additional updated information is obtained. Then, when additional tuning information is extracted, the service record is updated with the updated information and thereafter used to tune to the selected channel.

¹ Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, because it is not necessary, for reasons described herein, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last response, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections. For example, it was purported in the last action that the provisional application does not support all of the claim elements pending in the claims. It is not necessary to address this assertion at this time, however, because the pending claims are clearly distinguished from the art of record for the reasons provided in this paper the actual priority date of the pending application is not at issue at this time.

² Support for the claim amendments is found throughout the specification, including, but not limited to pages 26-27 and 28, 30-31.

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These claimed embodiments provide significant advantages over the prior art, such as Wugofski, which merely maps channels based on channel identifiers and fails to disclose or suggest extracting additional tuning information to facilitate tuning to a channel. This is particularly true when considering that the tuning information can be updated tuning information, which is extracted and stored in the service record, to tune to a selected channel when initial tuning is unsuccessful, as claimed. This is particularly true when considering the additional tuning information can include information obtained from the program association table portion of the one or more digital data streams and can also include a program number, program identifier, and a bit stream type, as recited in some of the dependent claims.

Claims 59 and 71 are directed to corresponding embodiments relating to the user experience for navigating to and selecting a channel to be tuned to. As recited, these claims include storing a plurality of service records that each contains tuning information for tuning to various channels. The service records are also categorized into service spaces that are displayed to a user. As further clarified, the service spaces are categorized into the service spaces by content type. When one of the service spaces is selected, the corresponding service record information is displayed. Then when one of these corresponding service records is selected, the channel corresponding to the selected service record is tuned using the tuning information provided in the service record.

This embodiment was also clearly distinguished from the cited art of record. In particular, the cited art fails to disclose or suggest, among other things, that service records displayed to a user are categorized according to content type, particularly when considering the service records correspond to a plurality of different broadcast types. Instead, the cited disclosure of Wugofski (Figure 6) merely shows different column categories corresponding to different types of information that can be used for tuning to a channel. It does not, however, correspond to different content types, as claimed.

In view of the foregoing, the rejections of record are now moot, such that it is not necessary to address each of the other assertions of record in the last response. Nevertheless, Applicants reserve the right to challenge any of said assertions in the future. Accordingly, although the foregoing remarks are primarily directed to the independent claims, it will be appreciated that the dependent claims should also be found allowable over the art of record for at

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least the same reasons. Accordingly, it is not necessary to individually address the rejections to each of the dependent claims at this time. Nevertheless, a few of the dependent claims will be addressed by the following remarks, as discussed during the interview, to even further distinguish the claimed invention over the art of record.

New claims 84 and 85, for example, recite embodiments in which at least one of the service records includes a time condition, which causes the service record to point to another service record when the time condition is unsatisfied. This embodiment is described in detail on pages 28. Disclosure found on pages 30-31 also supports the embodiment recited in claim 85 in which input for pausing and resuming a program is received and in which the system determines an appropriate channel to return to that is different than the initially selected channel and that started at a different time than the selected channel.

The last embodiment claimed in new claim 86, supported by disclosure on page 26, discloses how aggregate information corresponding to a plurality of different channels is received over a single channel. This is yet another embodiment that is neither anticipated by nor made obvious by the cited art of record.

Accordingly, for at least the forgoing reasons, Applicants respectfully submit that the pending claims 23-26, 40-43, 53-65, 70-74 and 84-86 should now be found in condition for prompt allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 15 day of March, 2005.

Respectfully submitted,



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